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LEGISLATOR AS NOTARY

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LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72. Permits
19 member of Legislature to become notary public.

YES	
NO	

(For Full Text of Measure, See Page 13, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would amend Section 19 of Article IV of the Constitution to permit a legislator to hold or accept the office of notary public during the term for which he was elected to the State Legislature.

Section 19 of Article IV of the Constitution presently prohibits a member of the State Legislature from holding or accepting any office, trust, or employment under the State, except an office filled by election of the people. This prohibition operates during the entire term for which the legislator was elected, and cannot be avoided during that period by resignation or otherwise. Notaries public are appointed and commissioned by the Governor (Gov. C., Sec. 8200). The Supreme Court of California has stated that a notary public is an officer of the county for which he has been appointed, and that a county office constitutes a civil office of profit under this State (*Emerie v. Alvarado*, 90 Cal. 444; *Searcy v. Grow*, 15 Cal. 117). Consequently, under the present provision a member of the State Legislature cannot hold or accept the office of notary public during the term for which he was elected.

The amendment would permit this and it would both offices to be held simultaneously.

Argument in Favor of Assembly Constitutional Amendment No. 72

The purpose of this proposed amendment is to allow a member of the State Legislature to be a Notary Public if he has need to be one. Due to a technical interpretation of Article IV, Section 19, of the Constitution, members of the Legislature upon their election to office must surrender their Notary Public commission. It would be a great convenience to the public if Members of the Legislature could notarize documents. The proposed amendment would simply correct this technicality. There is no conflict of interest involved

in any way. We urge a "Yes" vote for this measure.

CLARK L. BRADLEY
 Member of Assembly, 28th District
 RALPH M. BROWN
 Member of Assembly, 30th District

Argument Against Assembly Constitutional Amendment No. 72

The State Constitution NOW provides that no Senator or Member of the Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust or employment under this state, except an office filled by election by the people.

THIS PROPOSED CONSTITUTIONAL AMENDMENT WOULD ALLOW A MEMBER OF THE STATE LEGISLATURE TO BE APPOINTED A NOTARY PUBLIC.

This amendment should be defeated for the following reasons:

1. There have been appointed in California THOUSANDS of Notaries Public. There has not been a shortage of them. There are 120 members of the Legislature. The State Constitution should NOT be changed just to allow those members of the Legislature to receive an appointment from the Governor as a Notary Public.

2. It has been a tradition that a member of the Legislature should NOT be appointed to another office during the term for which he was elected, except an office filled by election by the people. Why should an exception be made NOW?

If this amendment is adopted, then perhaps other exceptions will be made in the future!

Vote NO on this constitutional amendment!

JOHN M. HANLEY
 800 University Avenue, Palo Alto
 Notary Public in and for the
 County of Santa Clara,
 State of California

13 SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2. Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.

YES	
NO	

(For Full Text of Measure, See Page 13, Part II)

Analysis by the Legislative Counsel

Under Section 2 of Article IX of the California Constitution, the Superintendent of Public Instruction is now elected to office each four years at the same time the Governor is elected. He takes office the first Monday after the first day of January following his election.

This constitutional amendment would provide that, after the expiration of the term of the person elected to the office of Superintendent of Public Instruction in 1958, the office shall be filled by appointment. The appointment is to be made by the State Board of Education with the advice and consent of the Senate, and the first such appointment would be made in January, 1963. Under Section 16

11	LOCAL STREET AND ROAD BONDS. Senate Constitutional Amendment No. 21. Authorizes laws for issuance and sale of bonds for street and road purposes by counties, cities, and separation of grade districts and providing for repayment of bonds out of distributions of gasoline tax money. Validates Street and Road Bond Act of 1957.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XXVI

Sec. 5. The Legislature may provide for the issuance and sale of bonds by the counties, cities, cities and counties, or separation of grade districts, the proceeds of which shall be used for the street and road purposes specified in Section 1 of

this article, and may provide for the repayment of the principal, interest, and expenses incurred in connection with the issuance and sale of such bonds out of money collected from taxes specified in Section 1 of this article.

The Street and Road Bond Act of 1957 (Division 3.5 (commencing at Section 2220) of the Streets and Highways Code), enacted at the 1957 Regular Session of the Legislature, is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective.

12	LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72. Permits member of Legislature to become notary public.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IV

Sec. 19. No Senator or Member of Assembly shall, during the term for which he shall have been

elected, hold or accept any office, trust, or employment under this State, **except the office of notary public**; provided, that this provision shall not apply to any office filled by election by the people.

13	SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2. Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IX

Sec. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified

electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election. vacancy shall exist in the Office of Superintendent of Public Instruction upon the expiration of the term of office for which a person is elected at the gubernatorial election held in 1958. Thereafter the Superintendent of Public Instruction shall be appointed by the State Board of Education with the advice and consent of the Senate.

14	COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No. 29. Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XI

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal